



Express Mail No. ET801455725US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8/16/02  
12-22-02  
Hull

IN RE:

APPLICATION OF : ROBERT M. MORRIS & LEET E. DENTON, III  
TITLE : A Visually Oriented Computer Implemented  
Application Development System Utilizing  
Standardized Objects And Multiple Views  
APPLICATION NO. : 09/184,738  
FILING DATE : November 2, 1998  
ART UNIT : 2122  
EXAMINER : Hoang-Vu Antony Nguyen-Ba  
ATTORNEY DOCKET NO. : 3042-3

RECEIVED

DEC 23 2002

Technology Center 2100

TO: Commissioner for Patents  
Washington, DC 20231

Dear Sir:

RESPONSE TO OFFICE ACTION DATED DECEMBER 6, 2001

Applicants hereby respond to the non-final Office Action dated June 17, 2002. The Examiner has withdrawn the prior rejections under 35 U.S.C. §112 in response to the Applicant's amendments to the claims submitted in response to the prior Office Action. Further the Examiner has stated that the remaining outstanding rejections in the prior Office Action are moot in view of the new ground(s) of rejection. In the office action of June 17, 2002, the Examiner has rejected claims 1, 23, 25, 26, 27, 28, 50, 52, and 53 under 35 U.S.C. § 102(e) as being anticipated by Ferri et al. (U.S. Patent No. 5,974,258 issued 10/26/99). Further, the Examiner has rejected claims 2, 3, 4, 8, 12, 17, 18, 19, 20, 21, 22, 29, 30, 31, 35, 39, 47, 48,

and 49 under 35 U.S.C. § 102(e) as being anticipated by Minard (U.S. Patent No. 6,247,020 issued 6/12/2001).

### RESPONSE TO REJECTIONS

The two references relied upon by the Examiner were file in 1997, before the filing date of the present application (11/02/98). However, the present application is a continuation of an earlier filed parent application (issued as U.S. Patent No. 5,862,372 on January 19, 1999) and is entitled to the priority date of the filing of the parent application. The filing date of the parent and the priority date for the present application is, therefore, November 16, 1994. Accordingly, the two references relied upon by the Examiner both postdate the priority date to which the present application is entitled and can not serve as a basis for the Examiner's rejection. Applicants respectfully request that the examiner withdraw the outstanding rejections and permit the application to issue.

### SUMMARY OF PROCEDURAL STATUS

Shortly after receiving the June 17, 2002 Office Action, the attorney for Applicants contacted the Examiner to advise the Examiner that the Examiner had relied upon references with dates which postdated the effective priority date of the application. The Examiner did not have the application in front of him at the time and indicated that he would review the matter and contact Applicant's attorney. The possibility of scheduling an interview with the Examiner and his Supervisory Primary Examiner (SPE) for some time in August after the Examiner had had the opportunity to review the file was also discussed. Thereafter, the Examiner contacted Applicant's attorney and indicated that he agreed that the references relied upon for the rejections postdated Applicants' priority date. During subsequent discussions continuing through December, the Examiner indicated that in any new office action he would probably raise a

double patenting rejection which could be overcome with a terminal disclaimer.

Applicants' attorney has verbally requested that the Examiner withdraw the June 17, 2002 Office Action as having an invalid basis and issue a new action with any double patenting requirement the Examiner believed is appropriate. The Examiner and Applicants' attorney also discussed the possibility of the Examiner noting in a telephone interview summary the withdrawal of the prior rejections and the requirement for a terminal disclaimer to overcome a double patenting rejecting. If necessary, Applicants have indicated that they were prepared to file a terminal disclaimer. The Examiner has advised Applicants' attorney that the Examiner's SPE advised the Examiner to require a written response to the invalid references in the June 17, 2002 Office Action before issuing another action. By this Response, Applicants have responded accordingly.

Applicants are desirous of concluding the prosecution of this application as quickly as Patent Office procedures will allow. Accordingly, Applicants have attached to this Response a request for an interview with the Examiner and his SPE to be conducted as soon as possible, hopefully before year's end.

Date: December 17, 2002

Respectfully submitted,

  
Laurence Weinberger

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